

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

TIMOTHY RAY HACKER, )  
                          )  
Plaintiff,             )  
                          )  
v.                      ) Case No. 5:16-cv-01773-VEH-SGC  
                          )  
WILLIE THOMAS, Warden, et al., )  
                          )  
Defendants.            )

**MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on May 26, 2017, recommending that: (1) this action, filed pursuant to 42 U.S.C. § 1983, be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted; and (2) the plaintiff's request for a temporary restraining order be denied. (Doc. 32). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court. Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Accordingly, the plaintiff's amended complaint is due to be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. The motion seeking a temporary restraining order is **DENIED**.

A Final Judgment will be entered.

DONE and ORDERED this 10<sup>th</sup> day of July, 2017.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge